

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**

**OCTOBER 7, 2014**

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at City Hall Building on Tuesday, October 7, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Leondra Tucker, Pastor of the Savings Station Church, who was introduced by Councilwoman Nettie Davis, followed by the Pledge of Allegiance by Boy Scout Keelon A. Solomon.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Mike Bryan called the regular meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR**  
**AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD:           Executive Session Item – Sale & Acquisition of Properties and  
Development Strategies – Status Report from Neighborhood  
Development Corporation

**4.     PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

Mayor Shelton and Councilwoman Nettie presided over a special presentation of the Eagle Scout rank to thirteen-year-old Keelon A. Solomon. The Eagle rank was awarded to Keelon on August 27, 2014. He is the son of Qiana Williams and Ken Williams of Tupelo. Keelon's Eagle Project was to promote environmental awareness and safety. From scrap lumber he had built a "clean plastic recycling" bin in support of his project. He conducted workshops and collected bottles from community families to promote his cause. Keelon is a member of Boy Scout Troop #2010, Yocona Area Council, sponsored by Christ the King Lutheran Church. Eagle sponsors present were Ron and Flo Polin, Will and Jan Rogers, and Andre Thomas, as well as other friends of Keelon.

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**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

Mayor Shelton presented Certificates of Appreciation to the following City of Tupelo employees for their loyal and dedicated service to the citizens of the city:

William L. Kindt	Budget & Accounting Department (IT Manager)	25 years
Stanley Wood	Tupelo Fire Department	5 years
Keon Poindexter	Tupelo Fire Department	5 years

**IN THE MATTER OF PUBLIC RECOGNITIONS**

The following public recognitions were made by City Council members:

Councilwoman Davis – Introduced a large group of young people who are members of the Savings Station Church. Councilwoman Davis had come in contact with them during the clean-up efforts after the April 28 tornado as they were working at the Tupelo Housing Project. She stated she was so impressed with the number involved and commended them for the hard work they had put in to help the tenants in this area. She, also, recognized Pastor Leondra Tucker who had earlier led the invocation.

Councilwoman Davis – Announced that Papa V’s on the previous Saturday had serviced approximately 1,000 cars with free gasoline amounting to \$11,000. She applauded the company for this very generous contribution to the community.

Councilman Jennings – Added his thanks to the Savings Station Church group and their young Pastor for their work during clean-up efforts after the tornado.

Councilman Jennings – Announced that the Southern Heights Neighborhood Association would be sponsoring a Fall Festival on October 25, 2014, to be held at Theron Nichols Park on Mitchell Road. He invited everyone to come out and enjoy the free food and entertainment. Hours of the event are Noon – 4:00 p.m.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “RACIAL RECONCILIATION CELEBRATION MONTH”**

Members of “Mission Mississippi” accepted a proclamation from Mayor Jason Shelton in recognition of “Racial Reconciliation Celebration Month” during the month of October 2014. Mission Mississippi has been dedicated since 1993 to the underlying truth that all persons of all races are called together to live in unity and harmony within the

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State of Mississippi. During the month of October, the organization will sponsor events promoting the message of racial reconciliation and healing which can enhance and improve the lives of all citizens, businesses and communities of Mississippi.

### **IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “FIRE PREVENTION WEEK”**

Tupelo Fire Chief Thomas Walker accepted a proclamation from Mayor Shelton proclaiming October 6 – 12, 2014 as Fire Prevention Week throughout the city. The proclamation read by the Mayor urged all citizens to test their smoke alarms at least every month and to support the many public safety activities and efforts of Tupelo’s fire and emergency services during Fire Prevention Week 2014.

### **IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “PAY IT FORWARD DAY”**

A novel written in 2000 has inspired the creation of a concept, a non-profit foundation, and a movement that has been vital in inspiring millions of good deeds all over the world. All that is asked in return is for the recipients of a good deed “Pay it Forward” to others in need. Mayor Shelton presented a proclamation recognizing October 15, 2014, as a city-wide “Pay it Forward Day” to four high school students who are using this idea as part of their Senior Project at Tupelo High Schools. Students present to receive the proclamation were McKenzie Denton, Molly Homan, Mallie Imbler, and Morgan Southworth.

### **IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “DYSLEXIA AWARENESS MONTH”**

Mayor Shelton read a proclamation in recognition of “Dyslexia Awareness Month” during the month of October 2014. Research conducted by the National Institute of Health indicates that as many as one in every five individuals struggle with dyslexia and related learning disabilities. Also, national research shows that more than 30% of juveniles involved with the criminal justice system have a learning disability. The proclamation states that teachers and students across the City of Tupelo would benefit from increased educator professional training about this ailment. Parents and educators of students who struggle to overcome dyslexia across Mississippi and the nation have come together to advocate for reforms to support children and to encourage educators, teachers and parents to recognize that dyslexia has significant educational implications that must be addressed.

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**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “BREAST CANCER AWARENESS MONTH”**

Mayor Shelton read a proclamation in recognition of “Breast Cancer Awareness Month” being observed throughout the month of October 2014. This serious illness is the leading cause of cancer deaths among women age 40 – 50 years in the United States and one in eight women in the United States will be diagnosed with the disease in her lifetime. Risk factors include genetics, obesity, smoking, age and diet, although 85% of breast cancers appear in women with no family history of the disease. Members of the Daughters of the American Revolution who are sponsoring these efforts were present to accept the proclamation from Mayor Shelton.

**IN THE MATTER OF MAYOR’S REPORT**

At the request of the Community Development Foundation, along with Governor Phil Bryant and business and economic development leaders from around the state, Mayor Shelton was asked to be a representative of the Mississippi Delegation at the Southeast United States – Japan Economic Conference in Tokyo. Mayor Shelton stated this was an important opportunity to establish new relationships and to continue to develop existing relationships for the purpose of expanding existing businesses and recruiting new businesses to our area. Council General Motohiko Ka-to will be visiting Tupelo in November and efforts will continue to explore how our city can become a hub for international businesses.

On the previous night Mayor Shelton joined Senators Thad Cochran and Roger Wicker, Congressman Travis Childers, Commissioner Mike Tagert, General Bob Chestnut, Mr. Dick Hill, Ms. Jennifer Pettigrew and Lee County Supervisor Darryl Rankin in an old fashioned political rally to raise funds to rebuild the American Legion building that was destroyed in the recent tornado. Mayor Shelton thanked BancorpSouth, Three Rivers, the Community Development Foundation and Robinson and Associates for organizing and hosting this event.

(President Bryan then closed the regular meeting and opened the Public Agenda.)

**5. PUBLIC AGENDA**

**5.1 PUBLIC HEARINGS**

**5.1.A LOT MOWING OF PROPERTIES**

No one appeared to address this matter.

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**5.1.B DEMOLITION OF STRUCTURE LOCATED AT**

**1527 NORTH MADISON STREET**

No one appeared to address this matter.

(President Bryan then closed the Public Agenda and the City Council returned to regular session.)

**6. ACTION AGENDA**

**IN THE MATTER OF REVIEW/ADOPT ORDINANCE ESTABLISHING POLICY FOR REGULATION, LOCATION AND PERMITTING OF MUNICIPAL RIGHT-OF-WAY USAGE BY PUBLIC UTILITIES**

This item was tabled August 5, 2014, and left on the table August 19, 2014, September 2, 2014, and September 16, 2014. Upon advice of legal counsel, President Bryan requested that it remain on the table at this time.

**7. ROUTINE AGENDA**

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF CITY COUNCIL MEETINGS**

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, September 16, 2014, and the minutes of a special called City Council meeting of Tuesday, September 9, 2014.

**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilwoman Davis, seconded by Councilman L. Bryan, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Nettie Y. Davis, Buddy Palmer and Willie Jennings:

Check Nos. 124142 through 124675 (Pool Cash Fund)  
Electronic transfers as shown on the face of the docket.  
Invoices as shown on the face of the docket.  
Requests made by AFLAC to reimburse employees under Flex-One  
Plan as shown on the face of the docket.

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**IN THE MATTER OF REVIEW/APPROVE SURPLUS OF POLICE HELICOPTER**

Tupelo Police Chief Bart Aguirre had submitted a request to the City Council to return the surplus helicopter to the State of Mississippi for reissue to another department to use. All city equipment will be taken out of the helicopter, Bell OBS OH-58 Helicopter Serial No. 69-16100, for surplus and sold to the highest bidder at auction. Upkeep for maintaining this equipment amounting to approximately \$51,000 per year was not included in the City of Tupelo FY 2014-15 Budget. Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to approve the request of Chief Aguirre to surplus this fixed asset and return the said helicopter to the State of Mississippi.

#### **IN THE MATTER OF REVIEW/APPROVE MUNICIPAL COMPLIANCE QUESTIONNAIRE**

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to approve the Municipal Compliance Questionnaire as submitted by City Clerk Kim Hanna. The period of time covered by this questionnaire is 10/1/2013 to 9/30/14. A copy is attached to these minutes as **APPENDIX A.**

#### **IN THE MATTER OF REVIEW/ACCEPT MISSISSIPPI NURSERY AND LANDSCAPE ASSOCIATION GREEN CONNECTION GRANT**

Terri Blissard, Grant Administrator, had submitted a memorandum dated October 2, 2014, to Mayor Shelton and the City Council informing them that the Mississippi Nursery and Landscape Association had chosen the Tupelo Farmers' Market to receive one of three 2014 Green Connection Grants. The grant is for \$1,000 and will fund a beautification project at the market. There is no match requirement.

Upon a motion by Councilwoman Davis and a second by Councilman Jennings, the council voted unanimously to accept this Mississippi Nursery and Landscape Association grant.

#### **IN THE MATTER OF REVIEW/ACCEPT MISSISSIPPI ARTS COMMISSION GRANT**

Terri Blissard, Grant Administrator, had submitted a memorandum dated October 1, 2014, to Mayor Shelton and the City Council informing them that the Mississippi Arts Commission had awarded the City of Tupelo a grant in the amount of \$3,000 to support the "Down on Main Concert Series". There is no match required.

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Upon a motion by Councilman Beard and a second by Councilman Palmer, the council voted unanimously to accept this Mississippi Arts Commission grant.

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION TO SUBMIT  
APPLICATION FOR CDBG GRANT TO MISSISSIPPI DEVELOPMENT AUTHORITY  
ON BEHALF OF PHILIPS DAY-BRITE**

This item was tabled on August 19, 2014; September 2, 2014; and September 16, 2014. Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to bring the matter off the table for consideration at this time.

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to delete this item from the City Council agenda.

**IN THE MATTER OF REVIEW/ACCEPT MUNICIPAL COURT CLERK TRAINING  
CERTIFICATE**

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to accept the training certificate of Rhonda Cole, Municipal Court Clerk, and make the same a part of the permanent record of the minutes of the City Council. A copy of same is attached hereto as **APPENDIX B.** Mississippi Code 21-23-12 requires this mandatory Municipal Court Clerk training in Jackson, Mississippi, on an annual basis. This year's training was conducted at the Municipal Court Clerk Seminar in Jackson, Mississippi, September 10 – 12, 2014.

**IN THE MATTER OF REVIEW/APPROVE FACILITY STUDY FOR OLD POLICE  
STATION/JAIL**

Don Lewis, Chief Operations Officer, had submitted a request to the Mayor and City Council to approve a facility study for the old police station/jail, adaptive re-use. The firm of Pryor & Morrow, Architects and Engineers, has been chosen to conduct this study under Project Number 2014520.

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the facility study by this firm as requested by Mr. Lewis. A copy of the proposal is attached to these minutes and incorporated herein as **APPENDIX C.**

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**IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF DECLARATION OF  
SURPLUS PROPERTY (TUPELO POLICE DEPARTMENT)**

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to approve a Resolution of Declaration of Surplus Items including vehicles forfeited to the North Mississippi Narcotics Unit and items purchased with NMNU funds. The Tupelo Police Department is the host city for the North Mississippi Narcotics Unit and has these items in its possession. The NMNU control board has determined the listed items to be surplus to the unit and authorizes the sale at a public auction, or destruction where sale is not practical according to State statutes. An executed copy of the resolution is attached to these minutes and incorporated herein as **APPENDIX D.**

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE  
MINUTES OF SEPTEMBER 4, 2014**

Item 1 of the minutes of the Planning Committee meeting of September 4, 2014, was accepted by the Tupelo City Council at their regular meeting of September 16, 2014. Items 2 and 3, however, were tabled.

Upon a motion by Councilman Whittington, seconded by Councilwoman Davis, the council voted unanimously to bring Item 2 and 3 off the table for consideration at this time. Councilman L. Bryan moved to accept Item 2 of the Planning Committee minutes; the motion was seconded by Councilman Palmer and unanimously approved by a vote of the council.

Councilman Jennings moved to accept Item 3 to allow Carlock Toyota to install a ground sign that is thirty-five feet tall instead of the forty-eight foot sign which Toyota had requested. This area allows for a sixteen-foot sign; thus the thirty-five foot sign is a compromise reached by the parties between the height requested and the height allowable in this Regional Commercial Zoning District. The motion was seconded by Councilwoman Davis with vote being as follows:

VOTING AYE:	Whittington, L. Bryan, Davis, M. Bryan, Jennings
VOTING NAY:	Beard, Palmer

A copy of the minutes of the Planning Committee meeting of September 4, 2014, is attached hereto as **APPENDIX E.**

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**IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS**

Councilman Whittington moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace



to public health, safety and welfare of the community, thereby authorizing the Department to proceed with mowing of these properties. The motion was seconded by Councilman Palmer and unanimously approved by a vote of the Council. A copy of the listing is attached to these minutes as **APPENDIX F.**

**IN THE MATTER OF REVIEW/AUTHORIZE DEMOLITION OF PROPERTY  
LOCATED AT 1527 NORTH MADISON STREET**

Shane Hooper, Director of the Department of Development Services, had sent a request to the Mayor and City Council by memorandum dated October 1, 2014, that the Council make a finding that the property at 1527 North Madison Street be declared a menace to the public health, safety and welfare of the community. He requested, also, that City employees or contractors be authorized to clean the property. A Public Hearing had been held earlier in this City Council meeting with no one appearing to address the issue.

Councilwoman Davis moved that the property located at 1527 North Madison Street be declared a menace to the public health, safety and welfare of the community and that the same should be demolished with the use of either City employees or contractors. The motion was seconded by Councilman Beard and unanimously approved by a vote of the City Council.

**IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 1 FOR COLONIAL  
ESTATES/OLD BELDEN CIRCLE WIDENING PROJECT**

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve Change Order No. 1 for the Colonial Estates, Old Belden Circle Widening Project, as recommended by Cook Coggin Engineers, Inc. and City Engineer John Crawley. J. M. Duncan, Inc. is contractor for this project. The change order is for an additional amount of \$21,684.15, bringing the contract total to \$214,920.55. A copy of this change order is attached to these minutes as **APPENDIX G.**

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR  
THOROUGHFARE PROGRAM MEETING**

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the Council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare

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Program meeting of August 11, 2014, a copy being attached to these minutes as **APPENDIX H.**

**IN THE MATTER OF REVIEW/APPROVE/RATIFY CONTRACT DOCUMENTS FOR  
WATER SYSTEM IMPROVEMENTS, INDIAN HILLS WATER STORAGE TANKS  
PROJECT**

Upon a motion by Councilman Palmer and a second by Councilman L. Bryan, the council voted unanimously to ratify a contract between the City of Tupelo and Phoenix Fabricators & Erectors, Inc. in the amount of \$466,542.00 for construction of Elevated Water Storage Tanks in Indian Hills Subdivision (Water System Improvements) Project.

The bid for this project had been awarded to this company at a regular meeting of the City Council on September 2, 2014. Excerpts of this contract are attached to these minutes and incorporated herein as **APPENDIX I.**

### **IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TRAFFIC COMMITTEE MEETING**

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to accept the minutes of the Traffic Committee meeting of September 23, 2014, a copy being attached to these minutes as

### **APPENDIX J.**

### **IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR WATER SYSTEM IMPROVEMENTS: BEECH SPRINGS; INDIAN HILLS; DEER PARK AND AUBURN**

Upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the council voted unanimously to award the following bids as recommended by Johnny Timmons, Manager, Tupelo Water and Light Department:

#### **Water System Improvements:**

**Area 1 – Beech Springs** – To the low qualified bid submitted by Argo Construction Company in the amount of \$957,659.00.

**Area 2 North – Indian Hills** – To the low qualified bid submitted by Kajacs Contractors, Inc. in the amount of \$1,499,410.00.

**Area 2 South – Deer Park** – To the low qualified bid submitted by Paul Smithey Construction Company, Inc. in the amount of \$1,901,473.20.

**Area 3 – Auburn** – To the low qualified bid submitted by Paul Smithey Construction Company, Inc. in the amount of \$763,775.20.

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These bids have also been reviewed and recommended by Cook Coggin Engineers, Inc. according to Mr. Timmons. A copy of the bid package is attached to these minutes as

### **APPENDIX J.**

#### **8. STUDY AGENDA**

No items were on the Study Agenda for consideration.

**9. EXECUTIVE SESSION**

**IN THE MATTER OF EXECUTIVE SESSION**

Upon a motion by Councilwoman Davis, seconded by Councilman Jennings, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to go into executive session to discuss the following issues:

- (1) Pending Litigation
- (2) Acquisition of Certificated Areas of Water Utility Within Post-Annexation City Limits
- (3) Sale & Acquisition of Properties and Development Strategies – Status Report from Neighborhood Development Corporation

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken in open session.

**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion by Councilwoman Davis, seconded by Councilman L. Bryan, the council voted

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unanimously to adjourn the regular meeting at 8:10 p.m.

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PRESIDENT

ATTEST:

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CLERK OF THE COUNCIL

APPROVED:

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MAYOR